

(i) The right or power both to approve and to remove without cause a controlling portion of the governing body of the controlled entity; or

(ii) The right or power to require the use of funds or assets of the controlled entity for any purpose of the controlling entity.

(2) *Indirect control.* If a controlling entity controls a controlled entity under the test in paragraph (e)(1) of this section, then the controlling entity also controls all entities controlled, directly or indirectly, by the controlled entity or entities.

(3) *Exception for general purpose governmental entities.* An entity is not a controlled entity under this paragraph (e) if the entity possesses substantial taxing, eminent domain, and police powers. For example, a city possessing substantial amounts of each of these sovereign powers is not a controlled entity of the state.

[T.D. 8476, 58 FR 33549, June 18, 1993; 58 FR 44453, Aug. 23, 1993, as amended by T.D. 8538, 59 FR 24046, May 10, 1994; T.D. 8712, 62 FR 2304, Jan. 16, 1997; T.D. 8718, 62 FR 25513, May 9, 1997; T.D. 9234, 70 FR 75036, Dec. 19, 2005; T.D. 9533, 76 FR 39280, July 6, 2011]

#### § 1.150-1T Definitions (temporary).

(a) through (a)(3) [Reserved] For further guidance, see § 1.150-1(a) through (a)(3).

(4) *Additional exception to the general applicability date.* Section 1.150-1T(b), *Issuance costs*, applies on and after July 6, 2011.

(5) *Expiration date.* The applicability of § 1.150-1T(b), *Issuance costs*, expires on or before July 1, 2014.

(b) *Bond* through the definition of *Governmental bond* [Reserved] For further guidance, see § 1.150-1(b) *Bond* through the definition of *Governmental bond*.

*Issuance costs* means costs to the extent incurred in connection with, and allocable to, the issuance of an issue within the meaning of section 147(g). For example, issuance costs include the following costs but only to the extent incurred in connection with, and allocable to, the borrowing: Underwriters' spread; counsel fees; financial advisory fees; fees paid to an organization to evaluate the credit quality of an issue; trustee fees; paying agent fees; bond

registrar, certification, and authentication fees; accounting fees; printing costs for bonds and offering documents; public approval process costs; engineering and feasibility study costs; guarantee fees, other than for qualified guarantees (as defined in § 1.148-4(f)); and similar costs.

(c) *Issue date* through paragraph (e) [Reserved] For further guidance, see § 1.150-1(b) *Issue date* through paragraph (e).

[T.D. 9533, 76 FR 39280, July 6, 2011]

#### § 1.150-2 Proceeds of bonds used for reimbursement.

(a) *Table of contents.* This table of contents contains a listing of the headings contained in § 1.150-2.

- (a) Table of contents.
- (b) Scope.
- (c) Definitions.
- (d) General operating rules for reimbursement expenditures.
  - (1) Official intent.
  - (2) Reimbursement period.
  - (3) Nature of expenditure.
- (e) Official intent rules.
  - (1) Form of official intent.
  - (2) Project description in official intent.
  - (3) Reasonableness of official intent.
- (f) Exceptions to general operating rules.
  - (1) De minimis exception.
  - (2) Preliminary expenditures exception.
- (g) Special rules on refundings.
  - (1) In general—once financed, not reimbursed.
  - (2) Certain proceeds of prior issue used for reimbursement treated as unspent.
- (h) Anti-abuse rules.
  - (1) General rule.
  - (2) One-year step transaction rule.
- (i) Authority of the Commissioner to prescribe rules.
- (j) Effective date.
  - (1) In general.
  - (2) Transitional rules.

(b) *Scope.* This section applies to reimbursement bonds (as defined in paragraph (c) of this section) for all purposes of sections 103 and 141 to 150.

(c) *Definitions.* The following definitions apply:

*Issuer* means—

- (1) For any private activity bond (excluding a qualified 501(c)(3) bond, qualified student loan bond, qualified mortgage bond, or qualified veterans' mortgage bond), the entity that actually issues the reimbursement bond; and